



**U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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Paper No. 15

MAILED

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| | |
|---|---|
| Applicant Donald Samuel Kaplan | NOV 8 1983 BOARD OF PATENT INTERFERENCES |
| Ser. No. 933,224 | |
| Filed 08/14/78 | |
| For SURGICAL SUTURES DERIVED FROM SEGMENTED POLYETHER-ESTER BLOCK COPOLYMERS | |

Now Patent No. 4,224,946 issued 09/30/80

The case referred to above has been forwarded to the Board of Patent Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared under the Rules of Practice as amended effective July 1, 1965, and as further amended effective to the date of this notice. The interference is identified as

No. 100,952

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

☐ In view of the accompanying order to show cause entered in this interference under Rule 228 no schedule of times is set. Rule 207(e).

☒ The schedule of times under Rule 207(b) is set as follows:

- (1) The preliminary statement (Rules 215 et seq.) must be filed and opposing parties notified of its filing by **8 JAN 1983**

(It should be filed in a sealed envelope bearing the name of the party filing it and the number of the interference.)

- (2) A copy of the preliminary statement and attachments must be served on each opposing party from whom a notice of filing a preliminary statement has been received by **23 JAN 1983**

- (3) Motions under Rule 231 must be filed by **8 MAR 1983**

If you expect to obtain the benefit of any application filed in this or any other country, including any intermediate applications, you must file a motion under Rule 231(a)(4) unless such application is specified in this notice. Rule 224.

The interference involves your patent identified above and:

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Pertinent information regarding the parties involved in this interference is as follows:

Junior Party

Applicants: Arthur A. Gertzman, Mark T. Gaterud
Addresses: 785 Partridge Drive, Bridgewater, New Jersey
Pinehill Road, Annandale, New Jersey
Serial No.: 311,829 filed 10/16/81
For: ELASTOMERIC SURGICAL SUTURES COMPRISING SEGMENTED
COPOLYETHER/ESTERS
Assignee: Ethicon, Inc., Somerville, A Corp. of NJ
Accorded benefit of: Serial Nos. 077,055 filed 09/26/79
967,656 filed 12/08/78
Attorneys of Record: Leonard P. Prusak
Robert L. Minier
Wayne R. Eberhardt
Maurice B. Stiefel
Associate Attorney: Ernest Cheslow
Address: Leonard P. Prusak
501 George Street
New Brunswick, New Jersey 08903

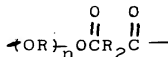
Senior Party

Patentee: Donald Samuel Kaplan
Address: 20 Ritch Drive, Town of Ridgefield, County of Fairfield
State of Connecticut 06877
For: SURGICAL SUTURES DERIVED FROM SEGMENTED POLYETHER-
ESTER BLOCK COPOLYMERS
Serial No.: 933,224 filed 08/14/78 Now Patent No. 4,224,946
issued 09/30/80
Assignee: American Cyanamid Company, Stamford, Conn., a corp.
of Maine
Attorney of Record: Charles F. Costello, Jr.
Address: Charles F. Costello, Jr.
1937 West Main St.
Stamford, Conn. 06904

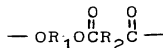
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Count 1

A non-absorbable monofilament sterile surgical suture or ligature having an attached needle comprising a polymeric block (A) consisting of a polyalkylene ether of the formula



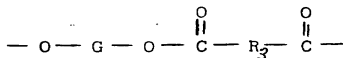
having a number average molecular weight of from about 500-3000 wherein R is a straight or branched chain alkyl group of from about 2 to 10 carbon atoms and R₂ is 1,4-phenylene or cyclohexylene and n is the number of repeating units and is defined by R and R₂, by R₁ in polymeric block (B), and by the total molecular weight of the copolymer; and a polymeric block (B) which is the reaction product of an aromatic dicarboxylic acid or a cycloaliphatic acid, and a short chain aliphatic or cycloaliphatic diol, having the formula



wherein R₁ is a straight or branched chain alkyl group of from about 2 to 10 carbon atoms or a cyclic group having the formula



and R₂ is 1,4-phenylene or cyclohexylene, said block (B) comprising from about 30% to 95% of said copolymer, and said copolymer having a number average molecular weight of from about 25,000 to 30,000, such that said suture has good flexibility, good fatigue life and high tensile strength or a non-absorbable monofilament sterile surgical suture having an attached needle comprising a segmented copolyether/ester of long chain ether/ester units of the general formula:



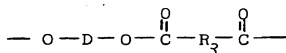
wherein G is divalent radical remaining after the removal of terminal hydroxyl groups from a poly (C₂-alkylene oxide) glycol having a number average molecular weight within the range of about 350 to about 6000 and R₃ is a divalent radical remaining after the removal of carboxyl groups from an aromatic dicarboxylic acid

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having a molecular weight of less than about 300 or is cyclohexylene; and short chain ester units of the formula:



wherein D is a divalent radical remaining after removal of hydroxyl groups from an alkyl diol having a molecular weight of less than 250 and R_3 is as defined above; said short chain ester units comprising from 50 to 90 percent by weight of said segmented copolyether/ester, and said segmented copolyether/ester having a number average molecular weight of from about 15,000 to 40,000, such that said suture or ligature has good flexibility and high tensile strength.

Count 2

The surgical suture or ligature of count 1, wherein D and R are selected from the group consisting of ethylene, propylene or butylene.

Count 3

The surgical suture or ligature of count 2, wherein D and R are butylene.

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The relation of the counts of the interference to the claims of the respective parties is as follows:

CountsGertzman, et alKaplan

1

1(p)

1(p)

2

2(p)

4(p)

3

3(p)

5(p)

Counts compared/dal

Robert J. Helbert
Patent Interference Examiner

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TO:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**REPORT ON THE
FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT**

In compliance with the Act of July 19, 1952 (66 Stat. 814; 35 U.S.C. 290) you are hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court:

| | | | |
|--|-----------------------|-----------------------------------|----------------------|
| DOCKET NO. 85-3053(MTB) | DATE FILED 6-19-85 | U.S. DISTRICT COURT NEW JERSEY | <i>Trenton 08605</i> |
| PLAINTIFF AMERICAN CYANIMID COMPANY | | DEFENDANT ETHICON | |

| PATENT NO. | DATE OF PATENT | PATENTEE |
|--------------|----------------|-------------------|
| ✓ 14,224,946 | 9-30-80 | American Cyanamid |
| 2 311,829 | 10-16-81 | American Cyanamid |
| 3 077,055 | 9-26-79 | American Cyanamid |
| 4 967,656 | 12-8-78 | American Cyanamid |
| 5 | | |

*Application
made to
Pat. Sec.
for
conversion
of
1-1-85*

In the above-entitled case, the following patent(s) have been included:

| | | | | |
|---------------|---|----------|--|--|
| DATE INCLUDED | INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading | | | |
| PATENT NO. | DATE OF PATENT | PATENTEE | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK

ALLYN Z. LITE

(BY) DEPUTY CLERK

May J. Seluz

DATE

June 20, 1985

Copy 1—Upon initiation of action, mail this copy to Commissioner